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FILED

SEP 26 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 JOSE ALBERTO CENTURION-CRUZ,)
17 Defendant.)
18

No. CR 12-mj-70951 HRL

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
PRELIMINARY HEARING AND
EXCLUDING TIME FROM SPEEDY
TRIAL ACT CALCULATION

19 The Parties, Jose Alberto Centurion-Cruz, and the United States, acting through
20 respective counsel, hereby stipulate as follows:

21 1. The defendant is presently charged by criminal complain for a violation of 18 U.S.C. §
22 2252(a)(4)(B), Possession of Child Pornography.

23 2. Currently, the preliminary hearing is set for October 4, 2012, at 1:30p.m., before
24 Magistrate Howard R. Lloyd.

25 3. The United States has provided discovery materials to defense counsel, who requires
26 additional time to review those materials, meet with the defendant to discuss them, and
27 determine how to proceed.

28 4. The parties jointly request, subject to the Court's approval, that the hearing currently set

1 for October 4, 2012 at 1:30p.m. be vacated, and that the hearing be re-set for October 25, 2012 at
2 1:30p.m.

3 5. Defendant Jose Alberto Centurion-Cruz consents to an extension of time for the
4 preliminary hearing date under Federal Rule of Criminal Procedure 5.1(c) and (d) and the
5 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 4, 2012, to
6 October 25, 2012.

7
8 STIPULATED:

9
10 DATED: September 25, 2012

MELINDA HAAG
United States Attorney

11
12 /s/
ANN MARIE URSINI
13 Special Assistant United States Attorney

14
15 /s/
VARELL FULLER
16 Attorney for Defendant

1
2 **~~PROPOSED~~ ORDER**

3 Based upon the stipulation of the parties, the Court finds and holds as follows:

4 1. The defendant is presently charged by criminal complaint for a violation of 18
5 U.S.C. § 2252(a)(4)(B).

6 2. With the defendant's consent, the twenty-one day time limit for a preliminary
7 hearing or indictment under F.R.Crim.P. 5.1(C) I extended, and time is excluded from
8 calculation of the thirty-day time limit for information or indictment under 18 U.S.C. § 3161(b).
9 The United States has provided materials to defense counsel and counsel needs additional time to
10 review those materials, meet with the defendant and determine how to proceed. Accordingly, the
11 extension and exclusion are required for effective preparation fo defense counsel.

12 3. There is good cause for the extension under F.R.Crim.P. 5.1, and the exclusion
13 under 18 U.S.C. § 3161, and that the ends of justice served by granting this continuance outweigh
14 the best interests of the public and of the defendant in a speedy trial and the prompt disposition
15 of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court further finds that failure to grant the
16 continuance would deny counsel for all parties reasonable time necessary for effective
17 preparation taking into account the exercise of due diligence under 18 U.S.C. §
18 3161(h)(8)(B)(iv).

19 4. Accordingly, and with the consent of the defendant, the Court sets a date and orders
20 that the period from October 4, 2012 to October 25, 2012 be excluded from the time period for
21 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
22 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

23
24 IT IS SO ORDERED.

25 DATED:

26 9/26/12

27
28 

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE